

10. May. 2007 9:38

PEARL COHEN ZEDEK LATZER

RECEIVED
CENTRAL FAX CENTER No. 3504 P. 1

MAY 10 2007

COVER PAGE LISTING DOCUMENTS BEING TRANSMITTED VIA FACSIMILE

4 Pages Via Facsimile: 571-273-8300
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Certificate of Transmission	
<p>I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (fax no. 571-273-8300) on May 9, 2007.</p>  <p>Leigh Drus</p>	

Regarding the following Application:

Applicant(s): JAMES, William et al.	Examiner:	KINSEY, NICOLE
Serial No.: 10/534,259	Group Art Unit:	1648
Filed: February 28, 2006	Attorney Docket No:	P-7938-US
Title: LIGANDS		

Please find:

1. <input type="checkbox"/> Provisional Cover Sheet 2. <input type="checkbox"/> Utility Patent Application Transmittal 3. <input type="checkbox"/> RCE Transmittal Sheet 4. <input type="checkbox"/> Fee Transmittal Sheet 5. <input type="checkbox"/> Patent Application Under 35 USC 111(a) <input type="checkbox"/> Provisional Patent Application Under 35 USC 111(b) <input type="checkbox"/> Transmittal Sheet for Entering National Phase Containing: _____ Pages of Specification _____ Pages of Claims _____ Page of Abstract _____ Pages of Formal Drawings _____ Pages of _____ 6. <input type="checkbox"/> Signed Declaration & Power of Attorney 7. <input type="checkbox"/> Request for Correction of Recordation of Assign. and: - Recordation Cover Sheet - Copy of Notice of Recordation of Assign. 8. <input type="checkbox"/> Recordation of Assign. Cover Sheet & Signed Assign.	9. <input type="checkbox"/> Response to Notice to File Missing Parts 10. <input type="checkbox"/> Response to Notice of Incomplete Reply 11. <input type="checkbox"/> Request for Correction of Filing Receipt 12. <input type="checkbox"/> Information Disclosure Statement Including: - Form PTO/SB/08 and references _____ 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Response to Office Action dated April 11, 2007 15. <input type="checkbox"/> Petition for a One Month(s) Extension of Time 16. <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Brief _____ 17. <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Publication Fee 18. <input type="checkbox"/> Submission of Formal Drawings: Two sets of Sheets containing Figs. _____ 19. <input type="checkbox"/> Copy of Priority Doc. 20. <input type="checkbox"/> Claim for Convention Priority 21. <input type="checkbox"/> Revocation and Power of Attorney, including: - Statement Under 37 CFR 3.73(b) - Copy of Assignment 22. <input type="checkbox"/> Other:
---	--

10. May. 2007 9:39

PEARL COHEN ZEDEK LATZER

RECEIVED
CENTRAL FAX CENTER No. 3504 P. 2
MAY 10 2007

Attorney Docket No.: P-7938-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): JAMES, William et al. Examiner: KINSEY, NICOLE

Serial No.: 10/534,259 Group Art Unit: 1648

Filed: February 28, 2006

Title: LIGANDS

RESPONSE TO RESTRICTION / ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is filed in response to the Restriction/Election Requirement dated April 11, 2007 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the April 11, 2007 Office Action is due May 11, 2007. Accordingly, this Response is being timely filed.

Applicants elect with traverse to prosecute claims 1-7, 10-11 and 12-18 of Group I and III drawn to a nucleic acid molecule encoding a peptide capable of binding to an envelope glycoprotein of an enveloped virus, wherein the binding results in neutralization of the virus and a method for treating HIV infection with the nucleic acid of Group I.

Claims 8 and 9 of Group II, drawn to a method for screening for potential therapeutic targets, is withdrawn at this time.

The election is made with traverse for the following reasons. In the Office Action, the Examiner admits that the unifying technical feature between the claims of groups I and III are the nucleotide sequences capable of binding with envelope glycoproteins thereby neutralizing infectivity, however the Examiner alleges that this technical feature, does not provide contribution over Wyatt et al., which teaches a phosphorothioate oligonucleotide that binds

RECEIVED
CENTRAL FAX CENTER

APPLICANT(S): JAMES, William et al.
SERIAL NO.: 10/534,259
FILED: February 28, 2006
Page 2

MAY 10 2007

HIV gp120 thereby inhibiting infection. Moreover, the Examiner alleges that absent a contribution over the cited alleged prior art, the unifying technical feature fails, giving rise to lack of unity between the claims of groups I and III.

Applicants respectfully disagree, the phosphorothioate oligonucleotide disclosed by Wyatt et al., were specifically screened to bind at the V3 loop on the gp120 (see pp. 1356, col. 1). Applicants' oligonucleotides do not bind to the V3 loop (see para. [0054]), as it was determined that several HIV viruses have mutations on the V3 loop, allowing them to escape human immune system (see para. [0049]), thereby making the V3 loop an inferior target for HIV drugs targeting the gp120 envelope protein. Accordingly, the oligonucleotides isolated by the Applicants are not those capable of attaching to the V3 loop, but rather to a conserved core sequence of gp120. Therefore, Applicants' oligonucleotides, which the Examiner agrees form the unifying technical feature of the claims in groups I and III, do provide contribution over the cited alleged prior art and thereby the unity of invention is maintained.

The sequences of claim 5, are all from the claims of Group I, are closely related in that they all bind to a conserved core sequence on gp120. The mere fact that they are of different lengths and sequence does not change their underlying functionality, which does not affect the general nature of the methods. Accordingly, it is respectfully asserted that the resultant search of sequences 1-27 together would not be in divergent search fields and would not be burdensome on the Examiner. However, having to elect, Applicants elect SEQ ID No. 1.

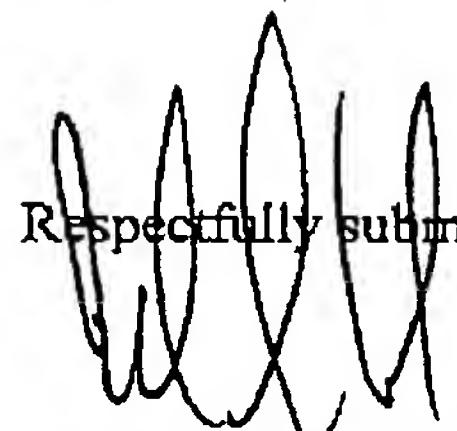
For the reasons above, it is respectfully asserted that this restriction requirement is improper, and withdrawal is respectfully requested. All claims of Group I and III should be examined together.

Applicants reserve all rights in these non-elected claims, claims 8 and 9, to file divisional and/or continuation patent applications.

If the Examiner has any questions or comments as to this response, the undersigned may be contacted at the address and telephone number below.

No fees are believed to be due, however, if any fees are due, the Examiner is authorized to charge any fees associated with this paper to deposit account No. 50-3355.

APPLICANT(S): JAMES, William et al.
SERIAL NO.: 10/534,259
FILED: February 28, 2006
Page 3

Respectfully submitted,


Mark S. Cohen
Attorney/Agent for Applicant(s)
Registration No. 42,425

Dated: May 9, 2007

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801